

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

LARRY BARTH,

Civil No. 11-0304 (JRT/AJB)

Plaintiff,

v.

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

MICHAEL J. ASTRUE,

Defendant.

Dennis Hagstrom, **DENNIS W. HAGSTROM LAW OFFICE**, 309 South Mill Street, Post Office Box 1074, Fergus Falls, MN 56537, for plaintiff.

David Fuller, Assistant United States Attorney, **OFFICE OF THE UNITED STATES ATTORNEY**, 300 South Fourth Street, Suite 600, Minneapolis, MN 55415, for defendant.

The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Arthur J. Boylan dated April 9, 2012 [Docket No. 22]. No objections have been filed to that Report and Recommendation in the time period permitted.

Based upon the Report and Recommendation of the Magistrate Judge, and all of the files, records and proceedings herein, **IT IS HEREBY ORDERED** that Plaintiff's Motion for Summary Judgment [Docket No. 16] is **GRANTED IN PART and DENIED IN PART**; Defendant's Motion for Summary Judgment [Docket No. 19] is **DENIED**; and the case is remanded pursuant to sentence four of 42 U.S.C. § 405(g) for further proceedings consistent with this Order.

LET JUDGMENT BE ENTERED ACCORDINGLY.

DATED: April 30, 2012
at Minneapolis, Minnesota

s/John R. Tunheim
JOHN R. TUNHEIM
United States District Judge